

LEWIS  
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LLP

L A W Y E R S

E-Filed on 10/2/07

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Attorneys for USACM Liquidating Trust

**UNITED STATES BANKRUPTCY COURT  
DISTRICT OF NEVADA**

In re:

USA COMMERCIAL MORTGAGE  
COMPANY,

USA CAPITAL REALTY ADVISORS,  
LLC,

USA CAPITAL DIVERSIFIED TRUST  
DEED FUND, LLC,

USA CAPITAL FIRST TRUST DEED  
FUND, LLC,

USA SECURITIES, LLC,

Debtors.

Case No. BK-S-06-10725-LBR  
Case No. BK-S-06-10726-LBR  
Case No. BK-S-06-10727-LBR  
Case No. BK-S-06-10728-LBR  
Case No. BK-S-06-10729-LBR

CHAPTER 11

Jointly Administered Under Case No.  
BK-S-06-10725 LBR

**STIPULATION RE WITHDRAWAL  
OF PROOF OF CLAIM NO. 10725-  
02472 FILED BY MIERAU LIVING  
TRUST DTD 9/14/98**

**Affects:**

- ☐ All Debtors  
☒ USA Commercial Mortgage Company  
☐ USA Capital Realty Advisors, LLC  
☐ USA Capital Diversified Trust Deed Fund, LLC  
☐ USA Capital First Trust Deed Fund, LLC  
☐ USA Securities, LLC

The USACM Liquidating Trust (the "USACM Trust"), by and through its undersigned counsel, and Mierau Living Trust DTD 9/14/98 ("Claimant"), stipulate:

1. Claimant filed a Proof of Claim ("Claim") No. 10725-02472 on June 4, 2007.

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LAWYERS

2. On September 6, 2007, USACM Trust notified Claimant of discrepancies with respect to the Claim and gave Claimant the option to correct the discrepancies or withdraw the Claim.

3. Claimant notified the USACM Trust that Claimant wants to withdraw the proof of claim filed in this case.

Therefore, the parties stipulate and agree that Claimant withdraws proof of claim No. 10725-02472 filed on June 4, 2007, and no further notice shall be given to Claimant. Claimant will receive no distribution from the USACM Trust on account of the Claim, but this does not affect any payments Claimant may be entitled to receive from the current or future servicing agent on pending Direct Lender loans from current or future Borrower loan payments.

DATED: October 2, 2007


**LEWIS AND ROCA LLP**By: /s/ RC (#6593)Susan M. Freeman, AZ 4199 (*pro hac vice*)

Rob Charles, NV 6593

*Counsel for USACM Liquidating Trust*

-and-

DATED: SEPT 20, 2007.



Robert D. Mierau

Trustee for the Mierau Living

Trust DTD 9/14/98

P.O. Box 562


Glenbrook, Nevada 89413-0562

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AND

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DATED: SEPT 20, 2007.

A handwritten signature in cursive script, appearing to read "Sandra J. Mierau", written over a horizontal line.

Sandra J. Mierau

Trustee for the Mierau Living

Trust DTD 9/14/98

P.O. Box 562

Glenbrook, Nevada 89413-0562